

NO. PD-1213-20

IN THE COURT OF CRIMINAL APPEALS  
OF TEXAS

FILED  
COURT OF CRIMINAL APPEALS  
1/22/2021  
DEANA WILLIAMSON, CLERK

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THE STATE OF TEXAS, Petitioner

V.

BOBBY CARL LENNOX a/k/a BOBBY CARL LEANOX, Respondent

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ON DISCRETIONARY REVIEW OF CAUSE NO. 06-19-00164-CR;  
SIXTH JUDICIAL DISTRICT COURT OF APPEALS AT TEXARKANA;  
CAUSE NO. 28256; SIXTH DISTRICT COURT OF LAMAR COUNTY

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**THE STATE OF TEXAS’  
RESPONSE TO THE MOTION FOR  
REASONABLE BAIL**

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**ATTORNEYS FOR STATE OF TEXAS**

I.

**INTRODUCTION**

On or about December 18, 2020, the State of Texas (“the State”) filed its petition for review, and this Court received the appellate record from the Court of Appeals at, or about, the same time. The State’s petition for review remains pending at the present time.

While that petition remains pending, Bobby Carl Lennox a/k/a Bobby Carl Leanox (“Lennox”) filed his motion for reasonable bail on or about January 13, 2021. This Court requested a response within ten (10) days.

II.

**RESPONSE TO LENNOX’S MOTION FOR REASONABLE BAIL**

In support of his motion, Lennox relied on article 44.04(h) of the Texas Code of Criminal Procedure, which provided in part that “[i]f a conviction is reversed by a decision of a Court of Appeals, the defendant, if in custody, is entitled to release on reasonable bail, . . .” *See* TEX. CODE CRIM. PROC. ANN. art. 44.04(h) (West 2018). As worded, the plain language of article 44.04(h) specified “[i]f a conviction is **reversed** by a decision of a Court of Appeals . . .” *See id* (bold type added for emphasis).

As applicable here, the decision of the Court of Appeals “reformed” the judgment to reflect that Lennox was convicted of three class B

misdemeanor offenses and remanded cause number 28256 to the trial court for a new punishment trial. *See Bobby Carl Lennox a/k/a Bobby Carl Leanox v. The State of Texas*, No. 06-19-00164-CR, 2020 Tex. App. LEXIS 9139, at \* 1, 14-15, 2020 WL 6842795, at \* \_\_\_\_ (Tex. App.—Texarkana Nov. 23, 2020, pet. filed) (op. on reh’g) (designated for publication). Thus, the decision of the Court of Appeals did not “reverse” Lennox’s conviction; rather, the Court of Appeals “reformed” the trial court’s judgment. Here, Lennox was still “convicted,” and his conviction was not “reversed” by the decision of the Court of Appeals. *See id.*

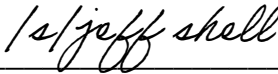
Thus, the plain language of article 44.04(h) does not provide a legal basis for the requested relief by Lennox. Therefore, the motion for reasonable bail should be denied.

### **PRAYER**


WHEREFORE PREMISES CONSIDERED, the State of Texas prays that upon final submission, this Court deny Lennox’s motion for reasonable bail, grant the State’s pending petition for review, order briefs on the merits, grant oral argument, and for such other and further relief, both at law and in equity, to which the State may be justly and legally entitled.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

This is to certify that in accordance with Tex. R. App. P. 9.5, a true copy of “The State of Texas’ Response to the Motion for Reasonable Bail” has been served on the 21st day of January, 2021 upon the following:

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Associated Case Party: BOBBY CARL LENNOX A/K/A BOBBY CARL LEANOX

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| Troy Hornsby |           | troy.hornsby@gmail.com | 1/21/2021 1:44:58 PM | SENT   |

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